

Combating Predatory Publishing

**SARA BENSON
COPYRIGHT LIBRARIAN & ASSISTANT PROFESSOR
UNIVERSITY OF ILLINOIS**

**SANDRA ENIMIL, JD, MLIS
PROGRAM DIRECTOR, COPYRIGHT SERVICES
OHIO STATE UNIVERSITY LIBRARIES**

Disclaimer: The information in this presentation is not legal advice.
We are lawyers, but we're not your lawyers.

Notes for previous slide:

Sandra and Sara

*Several slides contain content from presentations compiled by Melanie Schlosser, former Digital Publishing Librarian/Co-Head of Publishing and Repository Services, The Ohio State University Libraries.



1. Copyright law

2. Author's Rights

3. Sharing Scholarship

Publishing – Pro and Cons
Open Access

Notes for previous slide:

- Sara

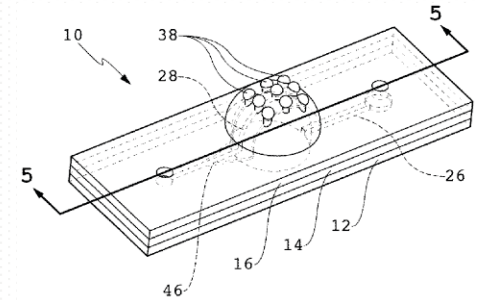
Intellectual Property Rights:

Ohio



Trademark: words, names, symbols, or devices used in commerce to indicate the source of a good or service

Patent: new and useful discoveries or improvements



Trade secret: business formulas, processes, and practices not readily known or ascertainable

Copyright: protects original works of authorship fixed in a tangible medium of expression



Notes for previous slide:

A trademark is a word, name, symbol, or device that is used to identify indicate the source of a product or service and distinguish it from other goods and services used in commerce. Having trademark rights allows you to prevent others from using a confusing similar mark.

Patents protect new, useful, and nonobvious discoveries or improvements. Inventions, processes, and methods, may all be covered by patents.

Trade secrets are confidential business formulas, ideas, processes, or practices that provide the owner with a competitive advantage in the marketplace. Trade secrets can include marketing strategies, manufacturing techniques, or special recipes, such as the secret recipe for Coca-Cola. A trade secret owner can prevent certain groups of people from using and disclosing the trade secret.

Finally, we have copyright. Copyright protects original works of authorship fixed in a tangible medium of expression.

Images used:

1. "Ohio" word mark, The Ohio State University. Serial # 86614205. Retrieved from the Trademark Electronic Search System (TESS) on May 27, 2015.
2. US Patent No. 8,964,019. Retrieved from United States Patent and Trademark Office PatFT on May 27, 2015.
3. Course icon created by the Office of Distance Education and eLearning, The Ohio State University.
4. "TopSecretFile" (c) Bigwillyoliver, retrieved from <http://upload.wikimedia.org/wikipedia/commons/e/e0/TopSecretFile.jpg>, used under Creative Commons Attribution-Share Alike 3.0 Unported (<http://creativecommons.org/licenses/by-sa/3.0/deed.en>).



Notes for previous slide:

Sara.

Who here has a copyright?

1. COPYRIGHT LAW



"Raindrops on roses, whiskers on kittens" by Marc, (CC BY-NC-SA 2.0)

What Can Be Protected?

Original works of authorship fixed in a tangible medium of expression

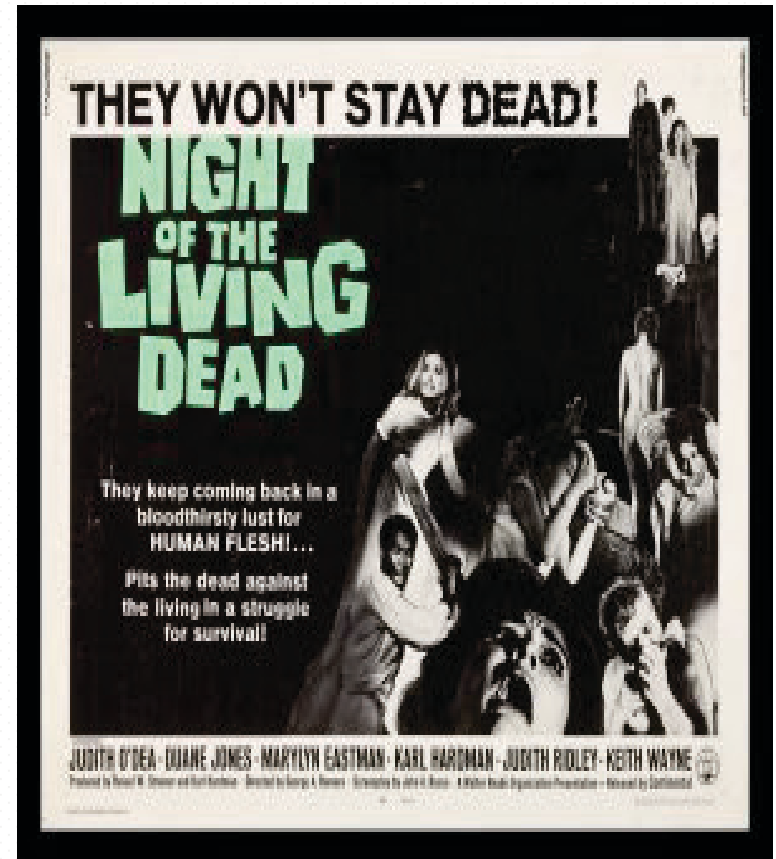
WHAT CANNOT BE PROTECTED:

- Works not original or fixed in a tangible medium
- Ideas, facts, short phrases, principles, discoveries, systems
- Works of the U.S. Government produced by government employees in the scope of employment
- Works already in the Public Domain

THE PUBLIC DOMAIN

Information, knowledge, discoveries, and artistic creations **never** or **no longer** protected by copyright

**Publicly available
(e.g. online) does not mean
public domain**



“Night of the Living Dead” movie poster, retrieved from [Plagiarism Today](#)

WHEN DOES SOMETHING ENTER THE PUBLIC DOMAIN?

Prior to 1923
(1924 on Jan.
1, 2019)

- Most things published in the US.

1923 to 1978
(1924 on Jan.
1, 2019)

- Anything published without a copyright notice.

1978 to 1
March 1989

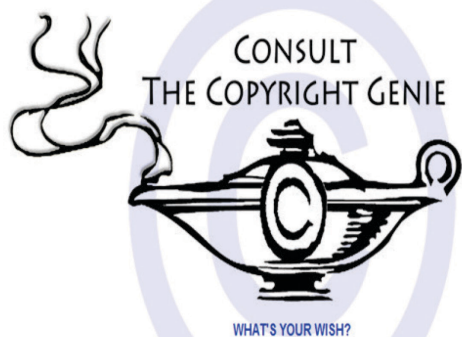
- Various conditions apply.

On or after 1
March 1989

- 70 yrs. after death of author.
- Corporate or anonymous authorship: 95 yrs. from first publication or 120 yrs. from creation date, whichever first.

PUBLIC DOMAIN TOOLS

IS IT COVERED BY COPYRIGHT?



Disclaimer:
© 2012 Michael Brewer & ALA Office for Information Technology Policy



Copyright Term and the Public Domain in the United States 1 January 2012¹

Never Published, Never Registered Works²

Type of Work	Copyright Term	What was in the public domain in the U.S. as of 1 January 2012 ¹
Unpublished works	Life of the author + 70 years	Works from authors who died before 1942
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1892
Unpublished works when the death date of the author is not known ³	120 years from date of creation ⁴	Works created before 1892 ⁴

Works Registered or First Published in the U.S.

Date of Publication ⁵	Conditions ²	Copyright Term ¹
Before 1923	None	None. In the public domain due to copyright expiration
1923 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1923 through 1963	Published with notice but copyright was not renewed ⁶	None. In the public domain due to copyright expiration
1923 through 1963	Published with notice and the copyright was renewed ⁶	95 years after publication date

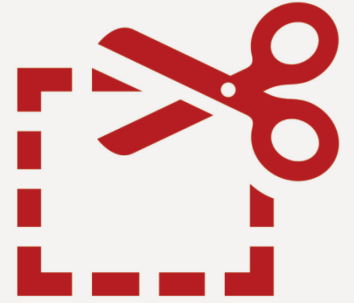
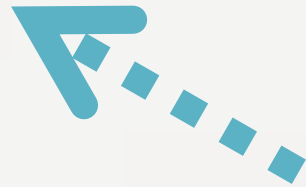
<http://librarycopyright.net/resources/genie>

<http://copyright.cornell.edu/resources/publicdomain.cfm>

HOW IS THIS RELEVANT TO YOUR WORK?



Owner



User

Notes for previous slide:

You are the copyright owner of the creative works you author.
As you create works, you may also be copying, adapting, and sharing copyrighted works created by others.



2. Author's Rights



Notes for previous slide:

Sandra

THE AUTHOR'S BUNDLE OF RIGHTS:

Exclusive rights outlined in Section 106 of the U.S. Copyright law:

- Right to **reproduce**
- Right to prepare **derivative works**
- Right to **distribute**
- Right to **display publicly**
- Right to **perform publicly**
- Right to **perform publicly** a sound recording via a **digital audio transmission**

“AUTOMATIC” COPYRIGHT

- Copyright is the *rule* rather than the exception
- Materials receive copyright protection *instantly*
- You must do something in order *not* to have copyright protection
- * **Work made for hire**
 - University policies
 - **Faculty** exemption

Notes for previous slide:

Work made for hire— what is the university policy

Managing Copyrights

Because you can own copyright instantly & automatically, you can:

Retain Rights

- Continue to use material in later work
- Choose how you want to make your work available

Transfer Rights

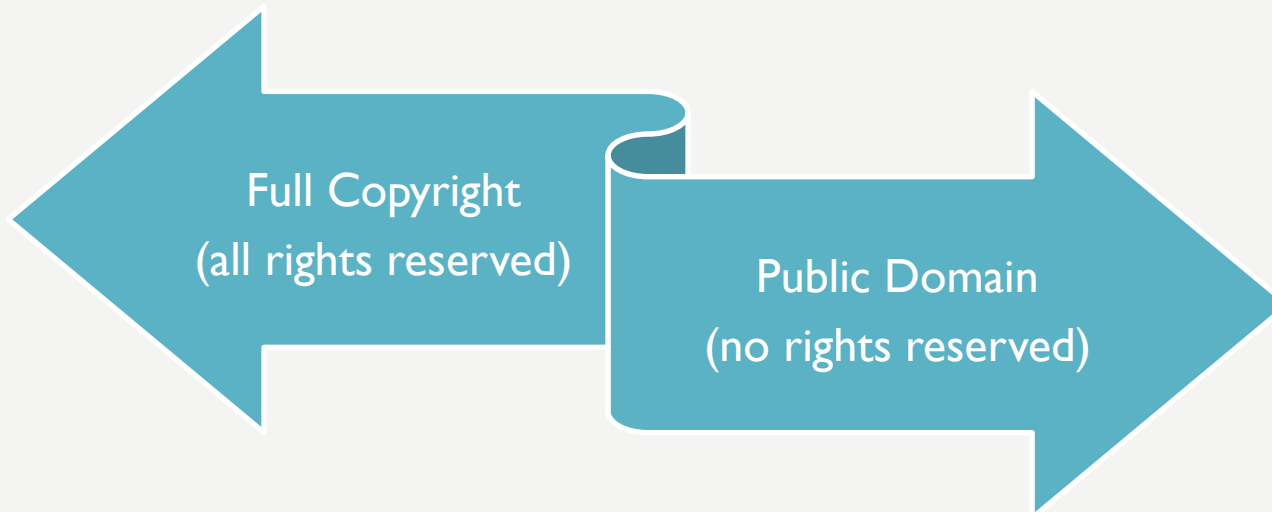
- Give, sell or license rights to someone else, such as a publisher
- Transfer rights individually, as a whole bundle, or mixed rights
- Apply an open license and/or grant specific requests for permission
- Understand what you sign & keep a copy of all agreements

Notes for previous slide:

This is how an author like JK Rowling would get a movie made out of her books. She would sell or license the right to create a film AKA a derivative work based on her novels.

Share using Creative Commons

Creative Commons defines the spectrum of possibilities between:



CC licenses help you keep your copyright while inviting certain uses of your work — a “some rights reserved” copyright.

Notes for previous slide:

Heard of Creative Commons?

Creative Commons Options



No rights reserved CC0



Attribution CC BY



Attribution-NoDerivs CC BY-ND



Attribution-NonCommercial CC BY-NC



Attribution-ShareAlike CC BY-SA



Attribution-NonCommercial-ShareAlike CC BY-NC-SA



Attribution-NonCommercial-NoDerivs CC BY-NC-ND

Cite it!

Notes for previous slide:

Attribution: Users must **credit** the author, **cite** the original work, and provide license information.

Non-Commercial: Users may not use the work for **profit** or any commercial purposes. “A commercial use is one primarily intended for commercial advantage or monetary compensation.” If you are unsure if your use qualifies as commercial, ask the author.

No Derivatives: Users may not make any **changes** to the original work. If you remix, transform, or build upon the work, you can’t distribute the modified material. CC license *does*, however, permit format shifting.

Share Alike: Users must **share** their work under the same CC license if they change the original. You can’t impose any different or additional terms on the use of your work that would in any way restrict the terms of the original license.

Communicate copyright choices

Be proactive! Make it clear how you want your work to be used & how you want to be credited:

- Copyright notice: © *2018 Sam The Human*
 - © / Copyright / Copr.
 - Year of first publication
 - Name of the copyright owner
- “All rights reserved”
- Creative Commons license
- Other license or terms of use (e.g. specifying permitted uses or requested citation format)



3. SHARING SCHOLARSHIP

Notes for previous slide:

Sara

- **What** are you sharing?
 - data, research, scholarship, finished works, drafts, ideas
- **Why** are you sharing?
 - get published (tenure), find collaborators, test theories, idea generation
- **How** are you sharing?
 - traditional, informal, social

Notes for previous slide:

For conversations with faculty.

Not spending much time talking about data today, but if you have grants you may have mandated sharing of data and maybe even the completed works somewhere.

Pre-prints post-prints, etc

Going to talk about the last point

- **Who** is your audience?
 - scholarly community, general public, funders
- **What** are the rules of engagement?
 - peer review, instant publication

Notes for previous slide:

Librarian → Faculty (sometimes student) conversations. But, also applicable to your scholarship as a librarian.

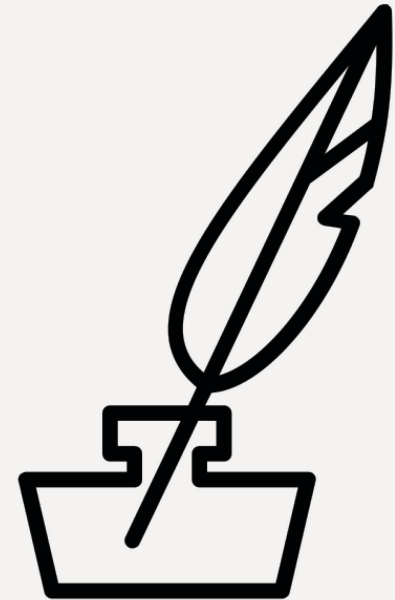
Not spending much time talking about data today, but if you have grants you may have mandated sharing of data and maybe even the completed works somewhere.

Pre-prints post-prints, etc

Going to talk about the last point

Publishing

- Contribute to scholarly canon
- Get tenure
- Get into grad school
- Develop a portfolio
- Take control of your online presence
- Improve your writing skills



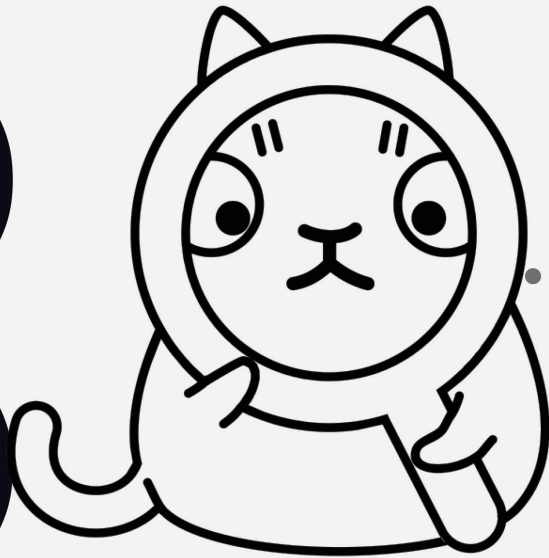
Created by Clea Doltz
from Noun Project

[Ink](#) by [Clea Doltz](#) (CC BY 3.0)

Notes for previous slide:

Why do it?

What kind of publishing might be appropriate?



Created by Denis Sazhin
from Noun Project
[Cat Search](#) by [Denis Sazhin](#) (CC BY 3.0)

- Traditional publications:
 - Scholarly articles, books and posters
 - Other formal publications
 - ✓ Creative or popular pieces
- Non-tradition publication:
 - Websites/IRs
 - Blogs
 - Social media

Notes for previous slide:

Conference publications

Scholarly Books, Articles and Posters

- Peer-reviewed research publications
- What are the benefits?
- What is the process?
- Things to think about
 - *Following the rules*
 - *Splitting credit*



Aliso

RANCHO SAN



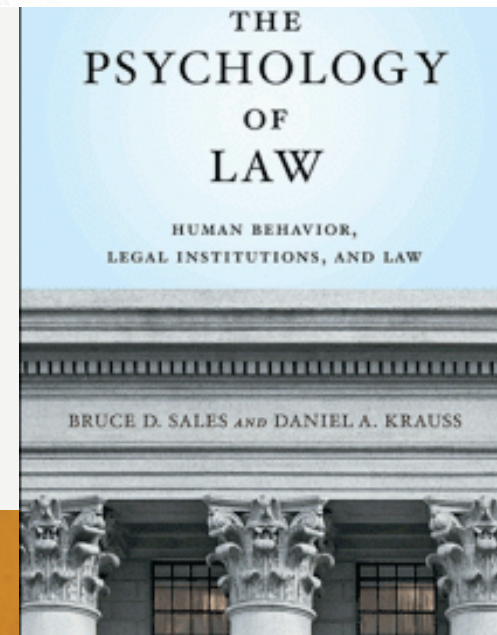
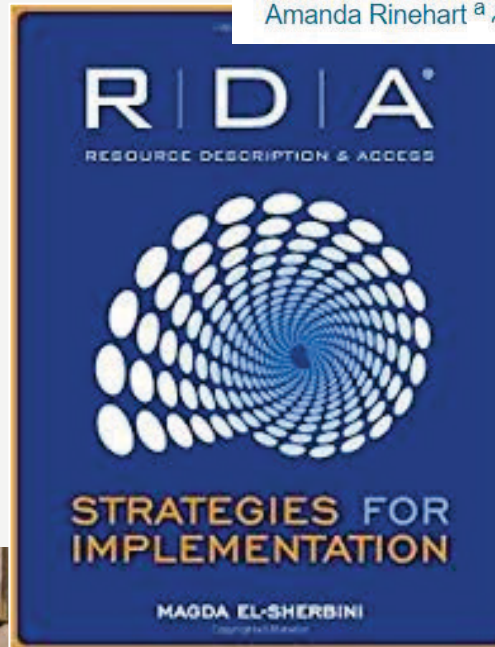
The Journal of Academic Librarianship

Volume 43, Issue 1, January 2017, Pages 39-48



Breaking It Down: A Brief Exploration of Institutional Repository Submission Agreements

Amanda Rinehart ^a  , Jim Cunningham ^b  



FIVE

The Claremont Colleges Journal of Undergraduate Academic Writing

IS THE JOURNAL PREDATORY?

How do you know?

Notes for previous slide:

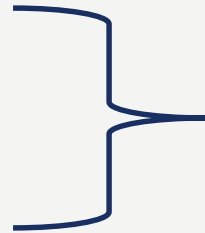
Sandra

HOW TO CHOOSE A JOURNAL

- “Good” journals
- “Bad” journals
- Scams

HOW TO CHOOSE A JOURNAL


- “Good” journals
- “Bad” journals
- Scams



Either of these can
include “Predatory”
journals

SCAMS!

- No content or very little content
- No editor or editorial board
- Unrealistic turnaround times
- Strange text on website (res ipsa)
- Variety of rants about them on social media/google



GOOD AND BAD: HOW TO TELL THE DIFFERENCE

LISTS?

- White lists (“good” journals)
- Black lists (“bad” journals)
- Any lists

Notes for previous slide:

Lists aren't helpful and sometimes list journals as predatory when they aren't

A GOOD JOURNAL:

- Improves your work

Notes for previous slide:

- Look at their peer review process
- Look at the published content

A GOOD JOURNAL:

- Improves your work
- Helps your research find an audience

Notes for previous slide:

- Journal scope
- Who has published in it, who is on the editorial board
- Is it in the important indexes in your field?

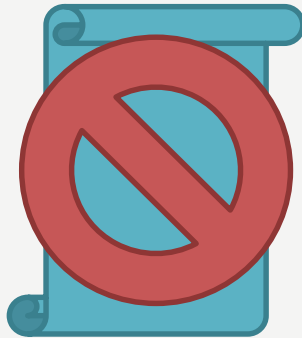
A GOOD JOURNAL:

- Improves your work through peer review
- Helps your research find an audience or your audience
- Adds to your reputation as a scholar
- Increases your profile

Notes for previous slide:

Ask around, but don't take the answers as gospel

WHAT IS A “BAD” JOURNAL?



Notes for previous slide:

It doesn't do those things. Or it doesn't do all of them. Or it doesn't do the one that is most important to you right now.

OTHER CONSIDERATIONS:

- Compliance with funder mandates, departmental requirements, campus Open Access policies
- Turnaround time
- Willingness to publish your work



**WHEN IN DOUBT...
TALK TO THE EDITOR.**



Caution: Can you share your work on professional/scholarly networking sites like, Academia.com and ResearchGate? Do you want to?

PRO

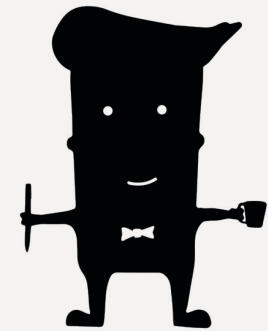
- Share with colleagues
- (mostly) Open
- Citation counts may increase
- Provide citation metrics

CON

- Some charge \$
- Citation metrics unclear
- Could encourage violation of copyright
- Some sites owned by big publishers like Elsevier

Other Formal Publications

- Creative or popular pieces
 - What are they good for?
 - What is the process like?



Created by Stephen Borengasser
from Noun Project

Artist by [Stephen Borengasser](#) (CC BY 3.0)

Notes for previous slide:

Sara

Informal Publications

- Blogs and other social media
- What are the benefits?
- What is the process?
 - Determine your project
 - Pick a platform & establish your site/space on the site
 - Write and publish!



[Social Media Icons](#) by IAMYUNG ([CC BY-NC 2.0](#))

Notes for previous slide:

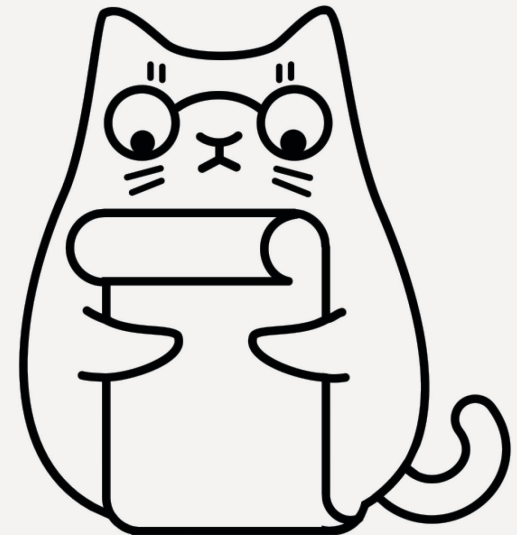
What are some other ways to publish/make your work available?



Caution: Immediate publication can be dangerous. (See Also: it's sometimes hard for things to disappear)

Things to Consider With ANY Publication

- What are you hoping to accomplish?
- Is the publication/website reputable?
- Who is your intended audience?
 - Will you reach them?
- What are the rules? The process?



Created by Denis Sazhin
from Noun Project

[Reading Cat](#) by [Denis Sazhin](#) (CC BY 3.0)

Institutional Repository

Open Access

Persistent URL

Long-term Preservation

Indexed in Search Engines

The screenshot shows the OSU Knowledge Bank website. The browser address bar displays <https://kb.osu.edu>. The page has a red header with the OSU.EDU logo on the left and navigation links (Help, BuckeyeLink, Map, Find People, Webmail, Search Ohio State) on the right. The main header features the 'KNOWLEDGE BANK' logo and The Ohio State University University Libraries logo with a 'Login' link. On the left sidebar, there is a search bar, a 'BROWSE' section with links to 'All of Knowledge Bank', 'Communities & Collections', 'Issue Date', 'Authors', 'Titles', and 'Subjects', a 'MY ACCOUNT' section with 'Login' and 'Register' links, and a 'STATISTICS' section with 'Most Popular Items' and 'Statistics by Country'. The main content area features a large image of an astronaut in front of a 'UNITED STATES' sign, with the text 'John Glenn 1921-2016' and 'John H. Glenn Archives Photo Gallery' overlaid. Below this, a red heading reads 'Share your Scholarship through the Knowledge Bank'. The footer text states: 'The Knowledge Bank, a service of The Ohio State University Libraries, collects, preserves, and distributes the intellectual output of The Ohio State University. Faculty, staff, and students are invited to deposit their research and scholarship. Departments, administrative units, programs, and centers are invited to use the Knowledge Bank to distribute their working papers, technical reports, conference proceedings, and other research material. For assistance in depositing documents, or for more information, please [contact us](#).'



BENEFITS TO OA PUBLISHING

Notes for previous slide:

Sandra

CITATION ADVANTAGE



Advocating change in scholarly communications for the benefit of researchers and society

[Home](#) [About](#) [Events](#) [News](#) [Resources](#) [Contact](#)

[SPARC Europe](#) > [Resources](#) > [General and advocacy materials](#) > [The Open Access Citation Advantage Service](#)

[Membership](#)
[Our Members](#)
[Join now](#)

[Open Access](#)
[What you can do](#)
[Related organizations](#)

[Post an Event](#)

[Upcoming events](#)

21 October:
[UCL Open Access Conference 2015: 'Open Access Publishing Options' \(all day\)](#)

14 November:
[OpenCon2015 \(all day\)](#)

30 November:
[10th Munin Conference on Scholarly Publishing \(all day\)](#)

The Open Access Citation Advantage Service

The OpCit project has for many years kept up to date [a list of studies](#) on whether or not there is a citation advantage for Open Access articles. That project has now completed and the list is no longer being managed. SPARC Europe is pleased to maintain the list henceforth and [has brought it up to date](#).

In 2010, [a summary of all the studies to date](#) was published. This, too, has been brought up to date, and [the current summary table](#) lists all studies, some comparative details of their methodologies, and their findings.

We know the OpCit project's work was highly valued and SPARC Europe is pleased to continue to capture that value for users.

Total number of studies so far	70
Studies that found a citation advantage	46
Studies that found no citation advantage	17
Studies that were inconclusive, found non-significant data or measured other things than citation advantage for articles	7

[List of studies to date](#)

[Summary of results of studies](#)



Tweets

[Follow](#)

 **SPARC Europe** 12 Oct
@SPARC_EU
The SPARC EUROPE Weekly is out!
[paper.li/SPARC_EU/13338...](#)
Stories via @Wits_News
@nora_almeida
@cdiifsierstein
[Show Summary](#)

 **SPARC Europe** 7 Oct
@SPARC_EU
Study results on citations and arXiv, RePEc, SSRN and PMC
[emeraldinsight.com/doi/abs/](#)
[#openaccess](#)

REACHING NEW AUDIENCES

- Other scholars
- Practitioners, industry
- The public

Group discussion

- How do you want to engage faculty about managing their rights? Retain full copyright? Creative Commons (which license)? OA policy?
- What kind of publishing might be appropriate or one you may want to advocate for?
- How do you discuss or want to discuss incorporating copyrighted materials? Permission always? Relying on fair use or using openly licensed works?

THANK YOU!

Questions



[Question](#) by Valeriy, available on Noun Project ([CC BY 3.0](#))